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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,271	02/20/2002	Manabu Takezaki	TAKEZAKI=1	3403
1444	7590	09/20/2007	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			MANCHO, RONNIE M	
624 NINTH STREET, NW			ART UNIT	PAPER NUMBER
SUITE 300			3663	
WASHINGTON, DC 20001-5303				
MAIL DATE		DELIVERY MODE		
09/20/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/078,271	TAKEZAKI ET AL.	
	Examiner Ronnie Mancho	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 36 and 37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>6/01/07</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al (5864771).

Regarding claim 36, Yokoyama (abstract; fig. 1; col. 3, lines 3-66) discloses a travel direction device for outputting a direction about a traveling route, comprising:

a device main body 22 (fig. 1) connected to a speaker 27, said device main body comprising a central processing unit for determining whether or not the speaker outputs a voice message (col. 3, lines 14-17) for letting a user know about being in a school zone 15 (col. 2, lines 28-37; col. 3, lines 30-38) or entering a school zone, on the basis of a user-set frequency (col. 3, lines 39-46) for outputting the voice message.

Regarding claim 37, Yokoyama (abstract; fig. 1; col. 3, lines 3-66) discloses the travel direction device according to claim 36, wherein the device main body is connected to a display 26 (fig. 1) for displaying a setting screen for letting the user set the frequency on the basis of which the voice message is output (col. 3, lines 38-46; that is the system is turned off and on using a switch as desired by the user. The switch is on a display *screen*. The turning off and on of the system refers to the frequency at which the voice message is output).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al (5864771) in view of Nimura et al (6282490).

*In the alternative* assuming that Yokoyama does not disclose a setting screen for setting a frequency at which a voice message is output, Yokoyama et al disclose the device main body connected to a display 26 (fig. 1). Nimura et al (col. 3, lines 26-34, 55-63; col. 4, lines 1-11) teaches of a travel direction device including a display for displaying a setting screen for letting a user set a frequency at which a voice message is output.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yokoyama as taught by Nimura for the purpose of providing a more efficient instrument panel in the vicinity of a driver. Such results are no more than utilizing well known display settings available to one skilled in the display panel art.

***Response to Arguments***

5. Applicant's arguments filed 6/26/07 have been fully considered but they are not persuasive.

Applicant's amendments have overcome the 112 rejections.

Applicant argues that the prior art, Yokoyama et al do not provide a user-set frequency. The argument is not convincing. Yokoyama anticipates the limitation because applicant admits that Yokoyama disclose outputting a voice message. In Yokoyama the user sets the frequency by turning on or off the voice switch at will.

Applicant's argument with respect to claims 37 is not convincing. Yokoyama disclose a switch on a display screen. The user uses the switch to turn the system on and off at will, thus setting the frequency as desired using the switch on the display screen.

In the alternative, claim 37 has been rejected under 103 (a) using a second reference, Nimura.

Applicant is reading limitations into the claims from the specification and interpreting the claims too narrowly.

The rejections are believed to be proper and thus stand.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communication***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3663

9/11/2007

JACK KEITH  
SUPERVISORY PATENT EXAMINER